

07 JUL 2008



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In re Application of
HASLAM
Application No.: 10/549,519 : DECISION
PCT No.: PCT/GB2004/000853 :
Int. Filing Date: 01 March 2004 :
Priority Date: 15 March 2003 :
Attorney's Docket No.: 013344-9061-00 :
For: IMPROVEMENTS IN AND RELATING TO
TRAILER COUPLING : :

This decision is in response to applicants' renewed petition under 37 CFR 1.181 filed in the United States Patent and Trademark Office (USPTO) on 07 April 2008.

BACKGROUND

On 01 March 2004, applicant filed international application PCT/GB2004/000853, which designated the United States and claimed a priority date of 15 March 2003. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 30 September 2004. The thirty-month period for paying the basic national fee in the United States expired at midnight on 15 September 2005.

On 14 September 2005, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 25 April 2006, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (FORM PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required.

On 27 August 2007, the DO/EO/US mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to timely respond to the Notification mailed 25 April 2006.

On 21 September 2007, applicants submitted a “PETITION UNDER 37 CFR 1.181 TO WITHDRAW HOLDING OF ABANDONMENT”.

On 17 March 2008, a decision was mailed dismissing without prejudice applicant’s petition under 37 CFR 1.181. Specifically, it was noted that the docket report provided did not appear to be a master docket for the firm but rather the docket records for a single attorney in the firm.

On 07 April 2008, applicant submitted the instant renewed petition under 37 CFR 1.181.

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner’s statement).

As noted in the decision mailed 17 March 2008, items (1) and (2) have been met.

Item (3) has now been met as well. Although the petition indicates that the docket record provided is missing pages 1 and 2, these pages appear to be directed to attorney David Price for 24 June 2006, a day before an Office action would have been due in the instant case had the NOTIFICATION OF MISSING REQUIREMENTS been received. Accordingly, the NOTIFICATION OF MISSING REQUIREMENTS mailed 25 April 2006 and the NOTIFICATION OF ABANDONMENT mailed 27 August 2007 are hereby VACATED.

Declaration of the Inventor

The declaration of the inventor filed 21 September 2007 is in compliance with 37 CFR 1.497(a)-(b).

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

The NOTIFICATION OF MISSING REQUIREMENTS mailed 25 April 2006 is **VACATED**.

For the reasons set forth above, the NOTIFICATION OF ABANDONMENT mailed 27 August 2007 is VACATED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

/Daniel Stemmer/

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